

NEWS BY THE MAIL.

Our Washington Correspondence.

WASHINGTON, Jan. 19, 1851.

Mr. Whitney's Pacific Railroad—Lecture to the House of Representatives.

The House of Representatives, having voted the sum of their bill to Mr. A. S. Whitney, for the purpose of an expedition by that gentleman, of his route and plan for a railroad to the Pacific ocean from the Mississippi Valley, he availed himself of that opportunity last night. The hall was well filled, there being a fair proportion of members of the two houses among the audience. Behind him, over the Speaker's chair, Mr. Whitney had two large maps suspended—one of the world, showing the position of the several continents towards each other, upon a flat surface; the other a map of the continent of North America, showing the line of the proposed railroad to the Pacific—the centrality of its eastern terminus in relation to the Atlantic coast, and the centrality of the western terminus at Oregon's Sound, in Oregon.

Mr. Whitney's plan is well known. He proposes to lay the hill roads, or Spur roads, to construct a railroad from the southern end of Lake Michigan across the continent to the Pacific ocean; he proposes to do this from a grant of land, sixty miles wide—thirty on each side of the road—the whole length of the road; and to pay, too, ten cents an acre for this tract of land, good, bad, and indifferent. The grant or sale will cover some \$10,000,000 acres, for which the government is to give \$100,000,000 besides.

The first 800 miles of the road west from Lake Michigan is through stony lands, and the cost per mile 100 miles are about \$100,000 miles will have to pay for the whole road. This Mr. Whitney proposes to do by a series of reservations of these good lands, which will be continually enhanced in price as the road progresses, and as the other alternatives are sold and settled. Mr. Whitney selects the point from Lake Michigan west because there is no water at which the point of division can be made, except the St. Marys River, which would secure a sufficient tract of good land to pay for the road, or any material part of the road.

It is an important object to have the road run through a tract of fertile country, unoccupied, so that by opening it to sale and settlement by the construction the lands would pay for the work. We admit that the bill sufficiently guards the interests of the government, in the event of a failure or non-completion of the work.

We maintain, however, our original objections to the scheme of Mr. Whitney. It lies too high north, especially where it crosses the Rocky Mountains; for half the year the track would be covered with snow, notwithstanding the argument of Mr. Whitney to the contrary. Secondly, the eight hundred miles of road through the mountains, if built, would be liable to the same accidents as the Mississippi, which would secure a sufficient tract of good land to pay for the road, or any material part of the road.

Let the judges of the other countries adopt this construction in their proceedings and practices. Then we shall have some uniformity of decision, and some consistency of judicial opinion, upon which the profession can rely.

Marine Affairs.

LAUNCH F.—The anticipated launch of the three ships in Mr. Wm. H. Webb's yard, yesterday, did not come off, owing to the very severe weather. At 2 o'clock this morning, however, to day, at a quarter past 10 o'clock unless we have a repetition of yesterday's weather, when it will be again postponed to the first fair day.

Fox Chancery.—The steamship Crescent City, Capt. Stoddard, having repaired the damage to her boiler, sailed for Chagres yesterday afternoon.

Madame Kurn Strangman.—One-half the steamship Madame Kurn Strangman we understand, has been purchased by Mr. L. H. Tupper, for \$44,000; and the other half by Mr. Geo. H. Warren, of Troy; for \$34,000.

New Steamship Alabama.—The new and splendid steamship Alabama, under her name, is to be launched in 72 hours from wharf to wharf, bringing fifty cable and ten passenger passengers. She encountered strong head winds nearly all the way.—*Southern Republican*, January 18.

The New Code.

TO THE EDITOR OF THE HERALD.

I find the remark in your paper, that the lawyers have made a specialty and intent of the study of pleading and practice. Your refers to two able opinions of eminent judges, in explanation and elucidation of the new system. Now, the difficulty is, that these opinions, however sound and valuable, may not accord with the views of other judges who feel themselves equally qualified to decide.

Each has his own opinion of the code. Now, it is only necessary to look over the manifold decisions in the law-reporter, to perceive that they differ. And this is the result of deciding what the legal question to do? If he shape his pleadings in accordance with the construction of Justice A. and goes with them, he will be compelled to abide by Justice B. and his pleadings before Justice A. and his pleadings will be subject to long delay, and heavy costs, for adopting Justice A's construction of the code. What I would advise is, let the judges of the Supreme Court, determine the code, and then, and only then, let the friends of the code, "as he understands it, and as it is understood by others," meet at some convenient place, and agree upon some rule or principle of construction, which they will recognize as binding upon each other, and upon all others, provided for the benefit of the public.

Let the judges of the other courts, however, adopt this construction in their proceedings and practices. Then we shall have some uniformity of decision, and some consistency of judicial opinion, upon which the profession can rely.

A BARRISTER.

TO THE EDITOR OF THE HERALD.

Your Washington correspondent, unintentionally, in recently enumerating the article to be forwarded to Congress, omitted to mention the bill introduced by Mr. Whitney to the effect that the Missouri Compromise should be repealed.

His bill, however, is not the only one introduced.

The market for Western and State flour has been very heavy to-day, with any thing, a tendency towards lower prices. The inclemency of the weather has operated as a great check upon the sale of flour, and the demand for the same, though very limited, and there was scarcely anything doing for the east or for shipment. The common brands of State flour were especially very dull, the stock of these descriptions being nearly all in the hands of the dealers, and nothing doing to press sales, though they have not reduced their price.

The arrivals by railroads were increasing. Since Saturday, only 2,000 barrels changed hands, including No. 2 premium, at \$4 44 a bushel, common to straight No. 2, 57c.; mixed to Indiana, Michigan, Ohio, and Indiana, at \$5 75c., and No. 3, 55c.

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